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September 25, 2023

Honorable Jesse M. Furman
U.S. District Judge
Thurgood Marshall United
States Courthouse
40 Foley Square
New York, New York 10007

RE: Stacy Makhnevich v. Arrowood Indemnity Company et al.
23-cv-1559 (S.D.N.Y.) (JFM).

Dear Judge Furman:

I refer Your Honor to the Plaintiff's motion to dismiss for lack of standing and the Plaintiff's opposition thereto which she filed on September 18, 2023. ([Dkt. No. 59](#)). On page 20 therein, the Plaintiff alleges she sent \$9.41 and \$8.05, respectively, on mailing costs related to her requests for verification and document productions. On September 15, 2023, I learned of an FDCPA decision concerning the issue of standing. *Church v. J Ritter Law P.C.*, [2023 WL 4353544](#), at *3 (D.N.J. July 5, 2023). Similar to the Plaintiff herein, the plaintiff therein had spent a small amount of money (\$7.38) in conjunction with mailing a request for verification of a debt. The court found that this small monetary loss was sufficient to establish an injury-in-fact. Based upon this decision, and the Plaintiff's disclosure of her mailing costs in her opposition papers, the Defendants withdraw their motion to dismiss for lack of standing.

Based upon the foregoing, the Defendants ask Your Honor to reschedule the initial conference for the purpose of setting litigation dates.

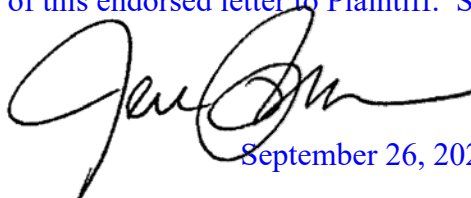
Respectfully submitted,

/ s / *Robert L. Arleo*

Robert L. Arleo

RLA:gra
CC: Plaintiff via email and via regular mail
Defendants via email

The Court commends counsel for his candor. In light of this letter, the motion is deemed withdrawn. The Court will, by separate order, schedule the initial pretrial conference. The Clerk of Court is directed to terminate ECF No. 53 and to mail a copy of this endorsed letter to Plaintiff. SO ORDERED.



September 26, 2023